

Ordinance for Private Use Helicopters



Town of York, Maine

Most Recently Amended: May 16, 2015

Prior Dates of Amendment:

Date of Original Enactment: June 5, 1989

ENACTMENT BY THE LEGISLATIVE BODY

Date of the vote to amend this Ordinance: May 16, 2015.

Certified by the Town Clerk: May Anne Agnewski on June 19, 2015.
(signature) (date)

ORDINANCE FOR PRIVATE USE HELICOPTERS

SECTION 1

SHORT TITLE: This Ordinance shall be known and may be cited as Ordinance for Heliports.

SUMMARY: Helicopter landings, take-offs, and hovering are prohibited within the corporate boundaries of the Town of York unless these activities are performed at a heliport (commercial or private use) that has a Federal Aviation Administration (FAA) approval and are conducted in a manner that is compliant with the tenets of this Ordinance.

SECTION 2

DEFINITIONS: As used in this Ordinance:

1. Heliport – A heliport (used privately or commercially) is unidentifiable area on land, water, or a structure, including any building or facilities thereon, used or intended to be used for the landing and take-off of helicopters.
2. Takeoff and Landing Area – A cleared area containing a final approach and takeoff area (FATO) available for the takeoff and landing of helicopters.
3. Heliport Transitional Surfaces – These surfaces extend outward and upward from the lateral boundaries of the heliport primary surface and from the approach surfaces at a slope of 2 to 1 for a distance of 250 feet measured horizontally from the centerline and approach surfaces.
4. Primary Surface – The specific area used for the landing or takeoff of helicopters. Also called a helipad, ground level, or a helideck, above ground.
5. Approach/Departure Surface – The imaginary surface which is centered on each designated approach and departure route. The approach surface may also serve as a departure surface. (See Figure 1-1 attached).
6. Final Approach and Takeoff Area (FATO) – A defined area over which the final phase of the approach maneuver to hover or landing is completed and from which the takeoff maneuver is commenced. (See Figure 1-1 attached).
7. Obstruction – Any structure, growth or other object, including a mobile object which exceeds the obstruction standard of FAR 77.23.
8. Structure – (Definition for this Ordinance only). An object including a mobile object, constructed or installed by a human being, including but without limitation, buildings, towers, cranes, smokestacks, earth formation, and overhead transmission lines.
9. Growth – Any object of natural growth.

10. Ground Effect – Improvement in flight capability that develops when a helicopter flies or hovers near the ground or other surface, resulting from the cushion of air built up between the ground and the helicopter by the air displaced downward by the rotor resulting in ground disturbance.
11. Wind Direction Indicator – A means of indicating wind direction, preferably a wind cone.

SECTION 3

No area within the incorporated boundaries of the Town of York, shall be used for the landing of helicopters without the specific written approval of the Code Enforcement Officer, and the concurrences of the Police Department and the appropriate Fire Department of the Town of York.

No tenet propounded herein shall contravene or circumvent the Federal Aviation Regulations as they pertain to the operation of helicopters, or the federal reporting requirements stipulated for the establishment of helicopter landing areas.

Persons proposing to construct, activate or deactivate a heliport are required to notify the FAA of their intent (currently form 7480-1). The written results of the FAA determination, and a copy of the form submitted to the FAA, shall be submitted along with any other documentation required by the Code Enforcement Officer (CEO) to the Town of York CEO for his approval and the issuance of a permit for a heliport.

The CEO will assure that all criteria set forth in this Ordinance is met prior to the issuance of a heliport permit.

SECTION 4

Any appeal of a decision made by the Code Enforcement Officer must take place within thirty (30) calendar days of the specific decision being appealed.

The appeal will be made in writing to the Board of Selectmen who will be required to hold a hearing within thirty (30) calendar days of the date of receipt (by the Board of Selectmen) of the appeal.

When the appeal pertains to the approval or disapproval of the landing of helicopters all residents and property owners within 500 yards of the designated area will be notified at least ten (10) workdays prior to the hearing of the appeal.

Upon completion of the hearing the Board of Selectmen are required to provide a decision in writing within ten (10) workdays of the hearing date.

Action times may be changed with the approval of the appellant(s) and the Board of Selectmen.

SECTION 5

It shall be the duty of the Code Enforcement Officer to administer and enforce the regulations prescribed herein. Applications for permits and appeals shall be made to the Code Enforcement Officer. Applications required by this Ordinance shall be promptly considered and granted or denied.

SECTION 6

This Ordinance has no “grandfathering”. Any former, current or future use of an area for the purpose of the landing or takeoff of helicopters will be subject to the conditions of this Ordinance upon approval of the Ordinance by the Legislative body.

SECTION 7

A heliport must also have the approval of the FAA (where applicable) in accordance with Federal Aviation Regulations, Parts 157 and 77 and any other part(s) deemed applicable. An unobstructed takeoff and landing area is required by the Town of York and must be in accordance with Federal Aviation Regulations, Volume XI, Part 77.

The ground effect of takeoffs, landings and hoverings must not disturb the property, structure, or growth of an abutter, nor shall it cause an abutter to suspend or interrupt any outside activities that they perform on their property.

SECTION 8

The primary surface (helipad) will have specific markings, at ground level (or on helideck), indicating the perimeters of the touchdown location. Markings may also include marker bushes that do not exceed two (2) feet in height. The helipad surface can vary from turf to an all paved surface and must be load bearing. An above ground primary surface (helideck) and paved helipads must have a skid resistant surface. Any helideck raised four (4) feet or more above ground/water must have a horizontal safety net installed.

Minimum lengths, width or diameter of helipad, is 1.5 times critical helicopter undercarriage length or width, whichever is greater.

The primary surface area may be located on the ground, on a water surface, or an elevated platform.

SECTION 9

No more than two helicopters may use heliports without specific permission of the Code Enforcement Officer. A parking area must be provided if more than one helicopter at a time is to be accommodated. The helicopter parking area should be of a size and location that parked helicopters will not obstruct the clear area for takeoffs and landings or the approach and departure routes.

Parked helicopters must be at least fifty (50) feet away from any structure, collocated on the same property that is normally occupied by people. A minimum of 250 feet is required between a parked helicopter and any structure on an abutter's property that is normally occupied by people.

SECTION 10

No storage of fuel or fueling of the helicopter will occur at a heliport, unless the storage of fuel is currently permitted in the zone and has been inspected by the appropriate Fire Department and received approval of the Code Enforcement Officer,

SECTION 11

A means of indicating wind direction is essential. The indicator should be located so as not to interfere with flight operations and yet be able to give a true indication of the wind's direction and relative magnitude at the primary surface.

SECTION 12

No helicopter engine start, run-up, taxiing, take-off, hovering or landings will be permitted one-half (1/2) hour after official sunset or until one-half (1/2) hour after official sunrise. Exception only for Military/Coast Guard/Medical/Police purpose.

All takeoffs, hoverings and landings shall be conducted only under FAA defined visual flight rule (VFR) weather conditions.

All heliports shall have tie-down capabilities to secure all parked helicopters during adverse weather conditions.

SECTION 13

Military, Coast Guard or Police landings or takeoffs may occur at any time for emergency purposes at specified locations. Use of helicopters for medical emergency purposes may also occur with prior notification to the appropriate Fire Department. (This does not exempt any organization from meeting the requirements of this Ordinance if repetitive landings are expected.)

The fire department should provide fire apparatus to assure safety of those concerned when these exceptions are made.

An exception may be made for the Governor of Maine upon notification of the Police and the appropriate Fire Department.

SECTION 14

Any person who violates this ordinance shall be subject to a civil penalty of \$100.00 for the first offense, \$250.00 for the second offense, and \$500.00 for the third and subsequent offenses. Each day a violation continues to exist shall constitute a separate offense.

SECTION 15

Waiver/Payment of Fines: Any person charged with a violation of this section, shall be allowed

to waive such violation and tender to the Town of York the fine amount if paid within 20 days of issuance of the summons. If the waiver fine is paid, no appearance before a District Court Judge or other judicial officer shall be required. If the offender pays the waiver fine, the matter will be closed in the York Police Records system and listed as a subsequent offense for future violations.

If the offender chooses not to pay the waiver fine, he/she shall appear in court on the specified date to answer for the ordinance violation. If the offender is found to have committed the offense in court, fines, applicable court fees, attorney's fees, and prosecution costs may apply.

SECTION 16

Where there exists a conflict between any of the regulations or limitations prescribed in this Ordinance and any other regulations applicable to the same area, the more stringent limitation or requirements shall govern and prevail.

SECTION 17

If any provision of this Ordinance or the application thereof to any person or circumstances are held invalid, such invalidity shall not affect other provisions or applications of the Ordinance which can be given effect without the invalid provision or application and to this end, the provisions of this Ordinance are declared to be severable.

Adopted at Special Town Meeting – June 5, 1989
Amended: May 16, 2015

